

Court of Appeals, State of Michigan

ORDER

People of MI v David James Scott

Docket No. 292897

LC No. 08-017071-FC

Douglas B. Shapiro
Presiding Judge

William B. Murphy, C.J.

Richard A. Bandstra
Judge

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED and this matter is REMANDED to the trial court for an evidentiary hearing and decision on the limited issue of whether defendant is entitled to a new trial on the grounds of newly discovered evidence as detailed in the affidavit of Kelly Dorsey. In all other regards, the motion to remand is DENIED for failure to satisfy the requirements of MCR 7.211(C)(1).

Defendant-appellant shall file with this Court a copy of any motion and supporting brief filed in the trial court within 14 days after the Clerk's certification of this order. Defendant-appellant shall also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry. The trial court shall hear and decide the matter within 56 days after the Clerk's certification of this order. The trial court shall make findings of fact and a determination on the record and cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings. Defendant-appellant may file a supplemental brief pertaining to the issues raised on remand within 21 days after entry of the trial court's order deciding the matter or 21 days after the transcript of the hearing is filed, whichever is later. Appellee may file a supplemental brief in response.

The time for proceeding with the appeal shall begin to run 14 days after the date this order is certified if the motion to initiate the post-conviction proceedings is not filed in the trial court within that 14-day period.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 30 2010

Date

Sandra Schultz Mengel
Chief Clerk